

REMARKS

The application comprises claims 1-51, of which claims 1 and 24 are in independent form. Claims 1, 15, 16, 24, 39 and 40 are amended.

Rejections under 35 USC 102

The Examiner rejects claims 1 – 3, 5 – 8, 15 – 16, 18 – 19, 23 – 27, 29 – 32, 39 – 40, 42 – 43, and 47 – 48 for anticipation by Nagle (US 6,225,107).

Applicant has amended claims 1 and 24 to include the first frame from the features of claims 16 and 40 respectively and the outline from claims 15 and 39 respectively, namely that:

"the structure comprises:

 a first outline frame, designed to receive and hold the tissue specimen;
and

 at least one holder, for holding the first frame with the tissue specimen,
thus fixing the orientation of the tissue specimen".

The Examiner rejects claims 16 and 40 based on the passage in Nagle column 2 lines 55 – 67. However this passage does not teach a frame but only solid shapes. That is to say this passage merely teaches solid shapes. More particularly the passage states

 "while a rectangular shaped box is preferable, for ease of subsequent histological processing, the carrier 10 is not limited to this shape and may be for example square, circular or any other geometric shape".

It is a general principle of legal construction that a particularization followed by a generalization includes only items similar to the particularization. As the entire passage is talking about solid shapes, the generalization "any other geometric shape" only serves to include other solid shapes and not outline frames.

Irrespective of principles of legal construction, a skilled person reading this passage would not understand that outline frames were intended, as he is led to think of solid shapes.

Thus the feature of frames is not hinted or suggested in Nagle, certainly not first and second frames which are superimposed.

Claims 15 and 39 have been amended to specify that the box outlines are the outline frames of amended claims 1 and 24. Thus they too are inventively distinguished over Nagle, particularly as per the passage in column 2 lines 55 -67 which is cited against this feature.

As a further point, claims 15 and 39 are distinguished by having a holder which is separate from the inner and outer structures. In Nagle there is only an inner drawer and an outer drawer and no third integer separate from these first two integers which could be considered a holder.

It is noted that an outline frame has an advantage over the prior art solid structure, namely that the major portion of the surface of the specimen remains visible. This enables examination (also by various probes) of the sample with the frame in place. This of course is not the case with the solid drawer structure of the prior art. There is no hint in the prior art either that this is a problem or that a solution is required. There is certainly no hint as to what the solution is.

Thus independent claims 1 and 24 are believed to be inventively distinguished over the prior art. Dependent claims 15 and 39 are believed to be inventively distinguished over the prior art in their own right, as are claims 16 and 40 which recite a second outline frame, no such second outline frame being taught or hinted at in any of the citations.

The remaining claims are believed to be allowable at least by virtue of being dependent on allowable main claims.

An early and favorable action is respectfully requested.

Respectfully submitted,

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Enclosure:

- Petition for Extension of Time (Three Months)